

## Agricultural Marketing Service, USDA

## §917.178

(b) Such person shall file with the committee, in such manner as required, reports showing, among other things, the date and quantity of pears comprising each shipment of pears transported to Oregon and the disposition thereof.

(c) All such pears shall be of the person's own production and the packing facility to which they are transported must be owned and operated by that person.

(d) All such pears shall be inspected and certified, as required by §917.45, by the Federal or Federal-State Inspection Service prior to the time such pears are shipped from the packing facility. Any pears shipped to any such facility which, upon inspection, do not meet the requirements of the then effective grade, size, or quality regulations, may be shipped, or handled, within the State, for consumption by any charitable institution or for distribution by any relief agency or for conversion into products. Prior to any such shipment or handling, there shall first have been submitted to the committee proof satisfactory to the committee that the pears will not be handled contrary to the requirements of the marketing agreement and order. Such proof shall include a written certificate, executed by both the handler and the intended receiver, stating that the pears will not be used for any purpose not authorized by this section.

[41 FR 31180, July 27, 1976]

EFFECTIVE DATE NOTE: At 59 FR 10056, Mar. 3, 1994, §917.149 was suspended, effective April 4, 1994.

### REGULATION OF DAILY SHIPMENTS

#### §917.150 Lot stamping.

Except when loaded directly into railway cars, exempted under §917.143, or for peaches mailed directly to consumers in consumer packages, all exposed or outside containers of peaches, and not less than 75 percent of the total containers on a pallet, shall be plainly stamped, prior to shipment, with a Federal-State Inspection Service lot stamp number, assigned by such Service, showing that such fruit has been USDA inspected in accordance with §917.45: *Provided*, That pallets of returnable plastic containers shall

have the lot stamp numbers affixed to each pallet with a USDA-approved pallet tag, in addition to the lot stamp numbers and other required information on cards on the individual containers.

[69 FR 15650, Mar. 25, 2004]

### REPORTS

#### §917.176 Pears.

(a) *Report of daily packout.* When requested by the Pear Commodity Committee, each shipper who ships pears shall furnish to the manager of the Control Committee or when designated to the Federal-State Inspection Service a report of the number of packages by container type, by variety and by district of origin, which the shipper packed during the preceding day.

(b) *Recapitulation of shipments.* When requested by the Pear Commodity Committee, each shipper of pears shall furnish to the manager of the Control Committee a recapitulation of his shipments. The recapitulation shall show: (1) The name of the shipper, (2) the shipping point, (3) the district of origin, (4) the variety, and (5) the number of packages, by size, for each container type.

(c) *Report of pears held in storage.* Each shipper who has pears under refrigeration in a storage warehouse shall upon request, file with the manager of the Control Committee within the time specified in the request an accurate report containing the following information:

(1) The name and address of the shipper; and

(2) The total quantity, as of the date specified in the request, of pears in storage outside of the State of California and in storage in the State of California.

[39 FR 27117, July 25, 1974]

EFFECTIVE DATE NOTE: At 59 FR 10056, Mar. 3, 1994, §917.176 was suspended, effective April 4, 1994.

#### §917.178 Peaches.

(a) *Report of daily packout.* When requested by the Peach Commodity Committee, each shipper who ships peaches shall furnish to the manager of the Control Committee or when designated

## §917.179

to the Federal-State Inspection Service a report of the number of packages by container type, by variety and by district or origin, which the shipper packed during the preceding day.

(b) *Recapitulation of shipments.* Each shipper of peaches shall furnish to the manager of the Control Committee not later than November 15 of each year a recapitulation of shipments of each variety shipped during the just-completed season. The recapitulation shall show: The name of the shipper, the shipping point, the district of origin, the variety, and the number of packages, by size, for each container type. Each shipper also shall furnish to the manager not later than November 15, a recapitulation of shipments by that shipper's growers showing: each grower's name, address, telephone number, facsimile number (if applicable), and e-mail address (if applicable), and the total number of packages shipped by container or container equivalents for each grower.

(c) *Destination report.* Each shipper who ships peaches shall furnish to the manager of the Control Committee a report of the number of packages of peaches shipped to each destination, and whether the peaches shipped were yellow-fleshed or white-fleshed, and whether the peaches were "CA Utility" quality: *Provided*, That handlers who shipped fewer than 50,000 containers or container equivalents of any combination of peaches, nectarines, and plums during the previous season are exempted from these reporting requirements: *Provided further*, That handlers who begin operation during or after the 2001 season shall be exempted from these reporting requirements during their first season of operation. The destination is defined as peach shipments to any domestic or international market. Destination information for domestic market shipments shall include the city and state, and zip code, if known. Destination information for international market shipments shall include the country to which shipped. This report shall be submitted by the fifteenth day of each month following

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the month in which peach shipments were made.

[39 FR 27118, July 25, 1974, as amended at 63 FR 16041, Apr. 1, 1998; 65 FR 6308, Feb. 9, 2000; 66 FR 39409, July 31, 2001; 69 FR 53793, Sept. 3, 2004]

### §917.179 Assessment reports.

In lieu of the reporting requirements set forth in §§917.176 and 917.178, the Control Committee may request a shipper to file, and upon such request such shipper shall file with the manager of the Control Committee a monthly summary showing the total quantity of pears and peaches which he shipped during the specified month; and such shipper may remit with his monthly report sufficient funds to cover the assessment due on the shipments which he reports.

[23 FR 3996, June 7, 1958. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 31 FR 7477, May 24, 1966; 56 FR 23774, May 24, 1991; 56 FR 46369, Sept. 12, 1991]

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sections .300 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 59 FR 10056, Mar. 3, 1994, in §917.179, the words "§917.176 and" and "pears and" were suspended, effective April 4, 1994.

### Subpart—Assessment Rates

#### §917.258 Assessment rate.

On and after March 1, 2006, an assessment rate of \$0.21 per 25-pound container or container equivalent of peaches is established for California peaches.

[71 FR 51985, Sept. 1, 2006]

### Subpart—Container and Pack Regulation

#### §917.442 California Peach Container and Pack Regulation.

(a) During the period beginning April 1 and ending November 23, no handler shall ship any package or container of